

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE  
VOLUME 3

IN RE: IN THE MATTER OF :  
INTEGRATED RESOURCE PLANNING :  
FOR THE PROVISION OF STANDARD :  
OFFER SUPPLY SERVICE BY : PSC DOCKET NO. 06-241  
DELMARVA POWER & LIGHT COMPANY:  
UNDER 26 DEL. C. §§ 1007(c) & :  
(d): REVIEW AND APPROVAL OF :  
THE REQUEST FOR PROPOSALS FOR :  
THE CONSTRUCTION OF NEW :  
GENERATION RESOURCES UNDER 26 :  
DEL. C. §§ 1007 (d) (OPENED :  
JULY 26, 2006) :

Public Service Commission Hearing taken  
pursuant to notice before Gloria M. D'Amore, Registered  
Professional Reporter, in the offices of the Public  
Service Commission, 861 Silver Lake Boulevard, Cannon  
Building, Suite 100, Dover, Delaware, on Tuesday, October  
3, 2006 beginning at approximately 1:10 p.m., there being  
present:

APPEARANCES:

On behalf of the Public Service Commission:  
ARNETTA McRAE, CHAIR  
J. DALLAS WINSLOW, COMMISSIONER  
JAY LESTER, COMMISSIONER  
JOANN CONAWAY, COMMISSIONER  
JEFFREY CLARK, COMMISSIONER

CORBETT & WILCOX  
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## 1 APPEARANCES CONTINUED:

2 On behalf of the Public Service Commission Staff:  
3 GARY A. MYERS, ESQUIRE

4 On behalf of the Public Service Commission Staff:  
5 JAMES McC. GEDDES, ESQUIRE

6 On behalf of the Public Service Commission Staff:  
7 BRUCE H. BURCAT, EXECUTIVE DIRECTOR  
8 CONNIE S. McDOWELL, CHIEF OF TECHNICAL SERVICES  
9 KAREN J. NICKERSON, SECRETARY  
10 ROBERT HOWATT, PUBLIC UTILITIES ANALYST

11 On behalf of the Office of the Public Advocate:  
12 JOHN CITROLO

13 On behalf of College of Marine and Earth Studies:  
14 JEREMY FIRESTONE

15 On behalf of Green Energy:  
16 ALAN MULLER  
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1 CHAIR McRAE: The next item on the  
2 agenda has to do with a motion filed by Mr. Firestone to  
3 reschedule the Commission hearing that is set for October  
4 17th.

5 As you may recall, that is proceeding at  
6 which the Commission will address the Integrated Resource  
7 Plan Filed by Delmarva.

8 Mr. Firestone, it is your opportunity to  
9 comment.

10 MR. FIRESTONE: Good afternoon, Madam  
11 Chairwoman and Members of the Commission.

12 My name is Jeremy Firestone. I am here  
13 on behalf of myself. I have participated in the Delmarva  
14 proceedings to date attending the workshop, submitting  
15 initial written comments and reply comments.

16 The Commission's order in this matter  
17 7003 directed, and I quote, The Commission Staff, after  
18 consultation with a retained consultant, close quote, to  
19 submit a report by September 15th.

20 The Staff didn't submit it on the 15th.  
21 It did not submit it until the 18th. It was then  
22 denominated an initial report. And it was a report not  
23 of the Staff, after consultation of the retained  
24 consultant, but rather the retained consultant's report.

1                   So, Staff didn't exercise their  
2 independent judgment.

3                   It was also reported as being prepared  
4 not just on behalf of the Staff, but on three other state  
5 agencies, as well. But we were not clear, it is not  
6 clear in the record whether any of those agencies have  
7 endorsed the report or adopted it as their own, let alone  
8 the Staff.

9                   Subsequently, the consultant submitted  
10 more documentation on September 27th, and in there it  
11 indicated in an explanatory memorandum, this is where  
12 they submitted a red lined version of RFP, that there  
13 were, quote, There were a few instances where we made  
14 minor changes that were not addressed in the initial  
15 report.

16                   I would, however, call the Commission's  
17 attention to the fact that there was a very substantial  
18 change in regards to price stability, and that being the  
19 prime criterion, the first criterion listed by the  
20 legislature, in which this Commission is to consider, was  
21 reduced from 20 to 15 points.

22                   The Staff has indicated that another, or  
23 a final report will be submitted to the Commission and to  
24 the parties on September 12th. We are not clear whether

1 that is just going to be another consultant's report, or  
2 whether the Staff will exercise its own independent  
3 judgment.

4 CHAIR McRAE: You mean October 12th.

5 MR. FIRESTONE: Excuse me. October  
6 12th. Thank you for clarifying that.

7 But we are unclear whether that is going  
8 to be, again, the Staff's or consultant's report. That  
9 report is coming then just three business days, or five  
10 calendar days before this presently scheduled hearing in  
11 this matter.

12 I would suspect that all of the parties  
13 are feeling a bit crushed for time, and we appreciate  
14 that the Staff is well.

15 But for individual citizens, it is  
16 particularly problematic to be able to gear up for  
17 something in a two- or three-day period, while some of  
18 the interested parties that may submit proposals can call  
19 on teams of individuals and lawyers to assist them. In a  
20 short term of time, it is more difficult for citizens.

21 I would suggest, and we suggested in our  
22 motion, that this Commission order the Staff to submit  
23 its own report, consistent with the earlier order to  
24 slightly delay the hearing in this matter.

1                   We understand and appreciate that the  
2   legislation provides for a November 1st date in which the  
3   RFP is supposed to be finished.

4                   I would submit that if that were to  
5   follow away by a couple of weeks, it would be much less  
6   problematic than having the public's rights curtailed.  
7   We may get it done by November 1st. We may win that  
8   battle, but we may lose the wider war, if you will, as  
9   far as getting an RFP that is not only fair to the  
10  bidder, but fair to the citizens of this state.

11                  And I would be pleased to answer any  
12   questions you have.

13                  CHAIR McRAE: Okay. Well, certainly,  
14   and there may be someone from Staff who wants to comment  
15   on it, but I will say this. It is not unusual here for  
16   the Commission to use an outside consultant to prepare a  
17   report, which Staff reviews and addresses and comments  
18   and uses to reflect its own input. That is certainly, in  
19   part, due to the size of the Commission. You don't  
20   always have the people power. And sometimes it's a  
21   question of the resources that an external expert may  
22   bring.

23                  But for a variety of reasons, I would  
24   just submit that it is not at all uncommon for a report

1 to be done under the direction of, or with the approval  
2 of Staff and with the review and modification. I mean,  
3 Staff may want to add comment on this. But if not, I  
4 would just offer that as somewhat of an explanation. It  
5 customarily occurs.

6 And as to the delay, my understanding is  
7 that the 15th was the date that we set and the report was  
8 issued on the 18th, which is, effectively, from a  
9 business day standpoint, the one day, calendar weekend.

10 I would appreciate some understanding of  
11 how this impacts your ability to address that one day  
12 difference, one or three, depending on what approach you  
13 use.

14 MR. FIRESTONE: We are playing with  
15 somewhat of a moving target, as I indicated. That was  
16 the initial report.

17 On September 27th, they then released  
18 the red lined version of the RFP. They, also, at that  
19 point, asked for peoples' input on seven additional  
20 questions. So, something that really should have been  
21 filed back on September 15th wasn't filed, really, until  
22 the 27th. So, almost two weeks later. And they have  
23 informally stated that we could submit written comments  
24 until October 6th on that document.

1 But the whole schedule for the public  
2 has been truncated. And as I indicated, there were  
3 substantial changes from the initial report, even though  
4 it was represented as being only minor changes.

5 CHAIR McRAE: Commissioner Winslow.

6 COMMISSIONER WINSLOW: Mr. Firestone,  
7 welcome.

8 Does the legislation involved here give  
9 the public any right to public input before the RFP is  
10 produced -- I shouldn't say produced -- or approved by  
11 the Commission?

12 MR. FIRESTONE: Well, I would submit  
13 that the legislation, per se, does not, but the  
14 proceeding -- certainly parties would have the right to  
15 intervene and participate in the proceeding. And  
16 certainly, pursuant to the Commission's order, set up a  
17 public workshop process to give the public input.

18 I was also informed -- I asked whether I  
19 had to officially intervene to file a motion, but I was  
20 told by Commission Staff that all parties that were  
21 participating and submitted comments were now parties to  
22 the proceeding, as far as the Staff is concerned.

23 COMMISSIONER WINSLOW: So, the process  
24 itself, as set up by this Commission's Order No. 7003,



1 gives you and others the right to participate in this  
2 process.

3 Correct?

4 MR. FIRESTONE: That's correct.

5 COMMISSIONER WINSLOW: And, I believe,  
6 in that Commission order that we ordered that there be  
7 public input, and we also gave some notice to the public  
8 that it might be rather short, in terms of the time  
9 permitted for the public input?

10 MR. FIRESTONE: Yes, you did. And we  
11 appreciate the short narrow window that you are operating  
12 under.

13 COMMISSIONER WINSLOW: The most  
14 substantial change that you indicated occurred, occurred  
15 within a business day after, apparently, the deadline  
16 that the Staff may have missed with respect to their  
17 filing of their report?

18 MR. FIRESTONE: No. It did not actually  
19 happen until September 27th. And that was back on  
20 September 15th.

21 As I indicated, Staff is now intending,  
22 as well, to submit another report on October 12th, and  
23 that, as well, could differ substantially from its prior  
24 report and from the prior RFP.

1 COMMISSIONER WINSLOW: Well, my  
2 recollection is that, basically, the comments that were  
3 solicited were with respect to the overall goals of the  
4 legislation, and that whether the draft document would  
5 ensure the potential sources of supplies -- supply is not  
6 arbitrarily excluded from offering a proposal. Those are  
7 the two primary areas where public input from Staff --  
8 input from Staff was also requested.

9 Correct?

10 MR. FIRESTONE: Yes. Yes. There was  
11 input requested on those. And we submitted written  
12 comments, while acknowledged in the report, were not  
13 really substantively addressed.

14 I, myself, have not looked at the report  
15 for this precise question in detail, but someone in their  
16 reply comments that I saw today indicated that, although  
17 there was a transcript made of the public workshop, the  
18 word transcript only appeared in the initial report once.

19 So, there is some concern as to the  
20 extent to which concerns of the public that were  
21 expressed at that workshop, as well as in the written  
22 comments were being seriously considered.

23 COMMISSIONER WINSLOW: Well, Mr. Howatt  
24 from our Staff has made sure that the Commissioners have

1 gotten copies of all of the public input with respect to  
2 the public workshops.

3 And are they on the web site, as well?

4 MR. HOWATT: Yes, sir. They are.

5 COMMISSIONER WINSLOW: So, I think our  
6 goal at transparency has been met with respect to that  
7 issue, as well. In other words, everything that has been  
8 submitted has been placed on the web site for  
9 consideration?

10 MR. FIRESTONE: Yes. I would agree.  
11 That is very helpful. And Commission Staff should be  
12 applauded in that regard.

13 COMMISSIONER WINSLOW: Might it be  
14 premature to be presenting your motion today. Perhaps,  
15 it might be more timely, if the fact that more  
16 substantive problems and others, from your viewpoint,  
17 other substantive problems occur, that you may not have  
18 time to review the respond to questions between now and  
19 October 17th?

20 MR. FIRESTONE: Well, the concern was  
21 that if more major changes were made between now and  
22 October 12th, I understood that this Commission was  
23 setting aside the bulk of its time on the 17th.

24 I attempted to get it heard before

1 today's Commission so that your time would not be  
2 unnecessarily delayed or prejudice. That was my  
3 rationale for bringing it more quickly.

4 I appreciate your point, though.

5 COMMISSIONER WINSLOW: I understand.  
6 And we do appreciate hearing about it earlier, rather  
7 than later, but sometimes it ends up being later.

8 CHAIR McRAE: I think the suggestion, or  
9 the purpose at this point, as I understood you, was that  
10 you thought there was a possibility that there need to be  
11 some adjustment on the 17th to account for the fact of  
12 these delays, including October 12th, which is not a  
13 delay, per se. It is part of the schedule. And  
14 preparation time in that time window is really the issue  
15 that I understand you're raising.

16 MR. FIRESTONE: That's correct, Madam  
17 Chair.

18 CHAIR McRAE: Unfortunately, this is a  
19 rather fast-moving docket for which the Commission is  
20 quite pressed. I think Commissioner Winslow highlighted  
21 some points.

22 But I am really not sure how much  
23 latitude there would be to address those kinds of issues.  
24 We are all working under a pretty onerous schedule here,

1 and that may mean you have to double up your efforts  
2 more.

3 If there are other Commissioners who  
4 also want to comment with regard to the matter here, this  
5 is an opportunity. Or are there others who want to speak  
6 in this regard.

7 MR. GEDDES: I would like to speak when  
8 it is appropriate.

9 CHAIR McRAE: Mr. Geddes, by all means.  
10 You have the floor.

11 Did I see your hand, Mr. Muller?

12 MR. MULLER: Yes, you did.

13 MR. GEDDES: Maybe I can go before  
14 Mr. Muller.

15 I wanted to respond to some of  
16 Mr. Firestone's comments.

17 And I appreciate his concern that the  
18 process is a speedy one. But we are constrained somewhat  
19 by what the legislature has asked us to do.

20 And in reverse order, Mr. Firestone  
21 suggested maybe November 1st is not a hard date. And  
22 that we could let that date slide away by a couple of  
23 weeks.

24 Unfortunately, the legislature is pretty

1 clear that that's a hard date, and the RFP has to be  
2 ready to go by November 1st. So, I don't think we can  
3 just unilaterally, or I would not recommend to the  
4 Commission that it unilaterally miss that date.

5 And I don't think there was any  
6 intention in the Order 7003 to treat that date other than  
7 a hard date.

8 The ordering paragraphs of the  
9 Commission's order are quite clear in the sense that  
10 Staff was to have an initial report in by the 15th.

11 Unfortunately, that was not available  
12 until the 18th. And we tried to adjust the schedule  
13 accordingly to give the parties additional time to  
14 comment.

15 The order only requires a final report  
16 to be issued by the 29th. There was no requirement for a  
17 red lined report at all.

18 But Staff did that out of an excess of  
19 caution believing that red lining the RFP would be  
20 helpful to all parties.

21 And, yes, there are a couple of new  
22 issues. And I would suggest to you that given the pace  
23 of this docket, this is a work in progress, and we wanted  
24 to bring those issues to everybodys' attention.

1 But there was an opportunity for comment  
2 through today. That has been extended on the additional  
3 issues. And the interested parties will be able to come  
4 before the Commission on the 17th, and for a third time  
5 make their views known.

6 With regard to the independent  
7 consultant, the report that was issued on the 18th, up on  
8 the web page, was prepared by the consultant in  
9 consultation with the various agencies.

10 I can tell you from my own personal  
11 involvement, and knowing that Mr. Howatt has also been  
12 involved a lot more than I have, that this report  
13 certainly is not one party's work product. It has many,  
14 many different authors.

15 And specifically, the statute says that  
16 the agencies were to go out and hire an independent  
17 consultant to assist them, and that is what we did.  
18 Specifically, the statute requires it. And we have done  
19 it. And this is a report that is the work product of all  
20 of the agencies.

21 So, I think it comes with some -- well,  
22 I will just say -- I don't think the parties, the public,  
23 in particular, should expect that Staff will be issuing  
24 an additional report. This is Staff's report. Staff

1 adopts what is contained therein. This is an initial  
2 draft. And there will be a final draft that will be  
3 submitted on October 12th, under the change in the  
4 schedule.

5 I think the real focus of the argument,  
6 or the concern is, there is not really much time between  
7 the 12th and the 17th. And I would agree. There isn't.

8 But in the context of this will be the  
9 third time that the parties will have an opportunity to  
10 comment, it's not as much if they had not seen the  
11 document initially and had opportunity to comment in  
12 between.

13 So, yes, it's a compressed scheduled.  
14 It is unfortunate we don't have more time. But we are up  
15 against a hard date.

16 Now, should the Commission feel that the  
17 comments that you heard this afternoon persuade you,  
18 clearly the Commission could set another meeting in  
19 between the 17th and the 1st. But I don't think we can  
20 lose track of the fact that this has to be done by the  
21 1st. And whatever the Commission decides has to be  
22 integrated into the document by the 1st. And that is why  
23 we picked the 17th to do that.

24 So, I understand Mr. Firestone's



1 concerns. I think Staff has bent over backwards to do  
2 the best they could under the schedule. We apologize for  
3 not filing this on the 15th and filing it the next  
4 business day. But it was a lot of work. People were  
5 working weekends and nights to get this document done.  
6 And we apologize that we were unable to make that date.

7 Nothing further.

8 CHAIR McRAE: Mr. Muller.

9 MR. MULLER: Just a couple of points.

10 The statute that called all of this into  
11 effect, House Bill No. 6 does contain in Section 7, a  
12 statement that the Commission shall have the authority to  
13 promulgate any rules and regulations it deems necessary  
14 to accomplish the development and communication of  
15 demand-side management programs by DP&L. That is a  
16 reference to a particular piece.

17 CHAIR McRAE: Yes, it is. And we are  
18 not talking about rules and regulations in this segment.

19 MR. MULLER: I agree with that. But I  
20 think the point is, the statute recognizes that there is  
21 a lot called for here. And, perhaps, intended to give  
22 the Commission some flexibility in how to do that.

23 But, I think, we should recognize here  
24 that the Commission and the Staff, in particular, has

1    been asked to do a great deal here.  It has been asked to  
2    work with other agencies in a manner that it is not  
3    accustomed to doing.

4                   It has been asked to consider a broader  
5    range of issues than the Commission is accustomed to  
6    dealing with.  For example, the environmental  
7    implications.  The electricity policy.  We have a long  
8    history of urging the Commission to do that.  This is  
9    first time I'm aware that the Commission has ever been  
10   told to do that and tried to do that.

11                   So, the Staff has had a difficult job  
12   and a tight scheduled.  And I think got off to a good  
13   start with the workshop that was held.

14                   However, subsequently, things have  
15   become a little bit problematic.

16                   I wrote a letter to Mr. Howatt  
17   expressing some of our concerns.  One of which is that  
18   there is very little in the report to suggest that the  
19   public comment at the workshop actually entered into much  
20   consideration.

21                   I know there is no reference to any of  
22   the positions that we took, although we testified  
23   extensively.  There is only one reference to the word  
24   transcript.

1                   So, we feel that although the Commission  
2 did a fine job of holding the workshop, and appearing to  
3 listen to people, it doesn't appear that what was said  
4 registered very effectively. And that creates a serious  
5 concern.

6                   Integrated resource planning and how it  
7 is done, how the revival of it is carried out, since I'm  
8 sure most of you know at one time the Commission did  
9 require the utilities in Delaware to engage in integrated  
10 resource planning, and we were participants in those  
11 proceedings. And the loss of that with deregulation, in  
12 my opinion is, is one of the most serious errors that was  
13 made.

14                  CHAIR McRAE: Let me just ask,  
15 Mr. Muller. I am trying to decide today about the  
16 scheduled. I mean, the other issues around that, and I'm  
17 sure your testimony in the various proceedings address  
18 some of your feelings about that.

19                  The issue at hand is the time line for  
20 the responses here. And, I think, some background has  
21 been provided. So, I would like to focus specifically on  
22 this issue, if you would, please.

23                  COMMISSIONER WINSLOW: And identify who  
24 he is speaking for?

1 CHAIR McRAE: Well, there was also a  
2 desire to get clarity as to who you are speaking for,  
3 yourself, or an organization?

4 MR. MULLER: I represent Green Delaware.  
5 And the point I'm trying to make is that  
6 what is going on here is a proceeding of importance.

7 CHAIR McRAE: We fully recognize that.

8 MR. MULLER: And the importance of  
9 getting it right is greater than the importance of  
10 getting it done on a rigid schedule.

11 And that is my reason for supporting Mr.  
12 Firestone's motion. I feel that the Staff, although it  
13 has done a lot of good work, has not, in fact, up to this  
14 point listening the way it needs to listen to the public.  
15 And I don't really mean that as a criticism. I am simply  
16 suggesting that things have to change. Because if the  
17 public is not listened to, we are not going to get this  
18 right.

19 And, therefore, the Commission should be  
20 willing to adjust the schedule in favor of getting it  
21 right. In this case, getting it right is a lot more  
22 important than getting it done, plus or minus a few days.

23 CHAIR McRAE: May I say this,  
24 Mr. Muller. The Staff is not ultimately deciding this

1 matter. It is the two agencies involved. The Staff is  
2 preparing the record. So, the issue of whether the Staff  
3 got it right is secondary to who is making the decision,  
4 which would be the Commission members and the  
5 representation from DNREC.

6 And I would point out that Secretary  
7 Hughes has weighed in here to a letter to me. He has  
8 indicated to me, he will defer, or that DNREC will defer  
9 to the Commission as to the decision to be made around  
10 the time schedule for today.

11 And frankly, I see it as the  
12 responsibility of the Commissioners, as much as Staff, to  
13 be up to speed as to what has been filed in this case.  
14 There is, indeed, a transcript. We also have been  
15 provided comments that were submitted at the proceeding,  
16 where, I, myself, was on the telephone, one of the calls,  
17 albeit, there was some difficulty with the technology,  
18 but all day long I had my ear to the phone. It is  
19 probably a problem for me today.

20 But I say this to point out that whether  
21 you think certain comments that Staff should have  
22 incorporated that are there or not there, it does not  
23 speak to the fact that the Commission ultimately, along  
24 with DNREC, is going to be making the call.

1 Now, are there other comments?

2 Commissioner Winslow wanted to offer something and  
3 Commissioner Clark.

4 COMMISSIONER CLARK: I appreciate the  
5 time of Mr. Firestone's motion. I think this is the time  
6 to consider this. But we are under a statutory deadline,  
7 November 1st. We got it scheduled for the last  
8 Commission meeting in October. Everybody is busting  
9 their butt trying to get this done.

10 So, for that reason, I think we should  
11 go ahead -- appreciate the filing of the motion -- but  
12 deny the motion to reschedule.

13 COMMISSIONER WINSLOW: I think  
14 Mr. Geddes, probably better than I, stated the reasons  
15 that I feel as strongly about going forward with the  
16 schedule.

17 I can assure Mr. Muller that this Staff  
18 interrelates with other agencies on a daily basis,  
19 especially DNREC. So, I also feel that the deadline was  
20 set by the official personal representatives of the  
21 public.

22 And we will sincerely, or I will, I'm  
23 sure everything will sincerely appreciate as much more  
24 public input as you all can afford us, because I am sure

1 we can benefit from it, between now and the deadline.

2 And I agree with Commissioner Clark. I  
3 think we should go forward.

4 CHAIR McRAE: I think we heard from all  
5 parties, unless the Public Advocate wants to add  
6 something at this point.

7 MR. CITROLO: Madam Chair, no. Not now.  
8 I picked this up some morning. I was not prepared to  
9 speak. We did not oppose Mr. Firestone's motion when I  
10 read it this morning. I was certainly prepared to come  
11 here not to oppose it. As long as the statutory  
12 guidelines could be met would be the only qualifier. I  
13 think Mr. Geddes outlined that we would not be able to  
14 meet those. Once again, thank you.

15 CHAIR McRAE: Very fine. All right.

16 Did I understand that you were offering  
17 a motion to deny?

18 COMMISSIONER WINSLOW: I move to deny  
19 the motion presented by Mr. Firestone.

20 COMMISSIONER CLARK: Second.

21 CHAIR McRAE: All in favor.

22 Yea.

23 COMMISSIONER LESTER: Yea.

24 COMMISSIONER WINSLOW: Yea.

1 COMMISSIONER CONAWAY: Yea.

2 COMMISSIONER CLARK: Yea.

3 CHAIR McRAE: Opposed? Very fine.

4 MR. BURCAT: Madam Chair, if I could  
5 just briefly explain, or to notify the parties who are  
6 here, the meeting for the 17th is actually going to be  
7 scheduled at ten a.m. because we anticipate significant  
8 amount of participation between the parties -- of the  
9 parties.

10 And just to point out, we will send out  
11 a notice to the service list, but we know we need to  
12 start early that day so we can get through all of the  
13 arguments.

14 MR. CITROLO: Madam Chair, I would like  
15 to add the same thing. We certainly welcome public  
16 participation as in other dockets. We feel that the RFP  
17 portion of this is probably more important and hopefully  
18 Green Delaware and Mr. Firestone return for that, as  
19 well, to offer some input to that phase after the docket,  
20 as well.

21 CHAIR McRAE: Well, I certainly thank  
22 the parties for coming and expressing their concerns. I  
23 am sure you will have an opportunity to elaborate further  
24 on what issues you have identified on the 17th.



1 MR. FIRESTONE: Thank you for taking the  
2 time.

3 (The Public Service Commission Hearing  
4 was concluded at, approximately, 1:40 p.m.)  
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## C E R T I F I C A T E

STATE OF DELAWARE:

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NEW CASTLE COUNTY:

I, Gloria M. D'Amore, a Registered Professional Reporter, within and for the County and State aforesaid, do hereby certify that the foregoing Public Service Commission Hearing, was taken before me, pursuant to notice, at the time and place indicated; that the statements of said parties was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the Public Service Commission Hearing is a true record of the statements given by the parties; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this  
9th day of October A.D. 2006.

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GLORIA M. D'AMORE  
REGISTERED PROFESSIONAL REPORTER  
CERTIFICATION NO. 119-PS